

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Plaintiff,

v.

SANDRA HEINE, individually, in her capacity as
personal representative of the Estate of Leonard M.
Heine Jr., and as trustee of the trust created under the
Last Will and Testament of Leonard M. Heine Jr.,

Adv. Pro. No. 10-04478 (SMB)

Defendant.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Sandra Heine, individually, in her capacity as personal representative of the Estate of Leonard M. Heine, Jr., and as trustee of the Leonard M. Heine, Jr. Credit Shelter Trust (“Defendant”), by and through her counsel, Warner & Scheuerman LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed and served the Complaint against Sandra Heine, individually, in her capacity as personal representative of the Estate of Leonard M. Heine, Jr., and as trustee of the Leonard M. Heine, Jr. Credit Shelter Trust.
2. On April 17, 2014, Sandra Heine, and other similarly situated defendants, filed motions to dismiss complaints or amended complaints filed against them by the Trustee.
3. On June 2, 2015, the Bankruptcy Court granted in part and denied in part the Motions to Dismiss for reasons set forth in its Memorandum Decision Regarding Omnibus Motions to Dismiss [ECF No. 10089 in Adv. Pro. No. 08-01789 (SMB)] which included, *inter alia*, a dismissal without prejudice of counts seeking to recover subsequent transfers from subsequent transferee defendants, including Sandra Heine pursuant to section 550(a) of the Bankruptcy Code, and applicable provisions of SIPA including section 77fff-2(c)(3).
4. On September 18, 2015, Sandra Heine served an answer on the Trustee.
5. On October 31, 2016 the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].

6. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Sandra Heine in the above-captioned adversary proceeding and dismissing the adversary proceeding.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: November 1, 2016

BAKER & HOSTETLER LLP

By: /s/ Dominic A. Gentile
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Keith R. Murphy
Email: kmurphy@bakerlaw.com
Robertson D. Beckerlegge
Email: rbeckerlegge@bakerlaw.com
Dominic A. Gentile
Email: dgentile@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate
of Bernard L. Madoff*

SO ORDERED

Dated: November 2nd, 2016
New York, New York

WARNER & SCHEUERMAN LLP

By: /s/ Jonathan D. Warner
6 West 18th Street, 10th Floor
New York, New York 10011
Telephone: 212.924.7111
Facsimile: 212.924.6111
Jonathan D. Warner
Email: jdwarner@wslaw.com

Attorneys for Defendant Sandra Heine

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE